

-3rd Tuesday

AOC-TV for Supervisors

Documenting Performance

Tuesday, August 15, 2006 9 a.m. & 3 p.m.

SUMMATION

Important Information:

When viewing broadcast tapes please go to the COMET website and download the accompanying broadcast handouts for that particular program at:

<http://www2.courtinfo.ca.gov/comet/>

New Publication available to courts: Balance and Restorative Justice: An Information Manual for California. Contact: Ethel Mays, AOC Center for Families, Children & the Courts, 415-865-7579, Ethel.mays@jud.ca.gov

Victims Pamphlet available to courts:

Contact: Ethel Mays, AOC Center for Families, Children & the Courts, 415-865-7579, Ethel.mays@jud.ca.gov

Summer 2006 Edition of California Courts in Review Available:

Contact: Philip Carrizosa, AOC Office of Communications, 415-865-8044, philip.carrizosa@jud.ca.gov

Upcoming Editions of 3rd Tuesday

September 19 **Everyday Safety, Security, and Emergency Preparedness**
(Supervisors' Edition)

Upcoming Court Staff Broadcasts

August 21 and 22 **Everyday Safety, Security, and Emergency Preparedness**

September 25 and 26 **Records Management: Destroy or Retain?**

Additional Broadcasts for All Audiences

August 29 **Overcoming Language Barriers to Court Access**

Program details are available online at

<http://www.courtinfo.ca.gov/cjer/aocv/schedule.htm>

Documenting Performance

By participating in today's broadcast, you will meet these three learning objectives:

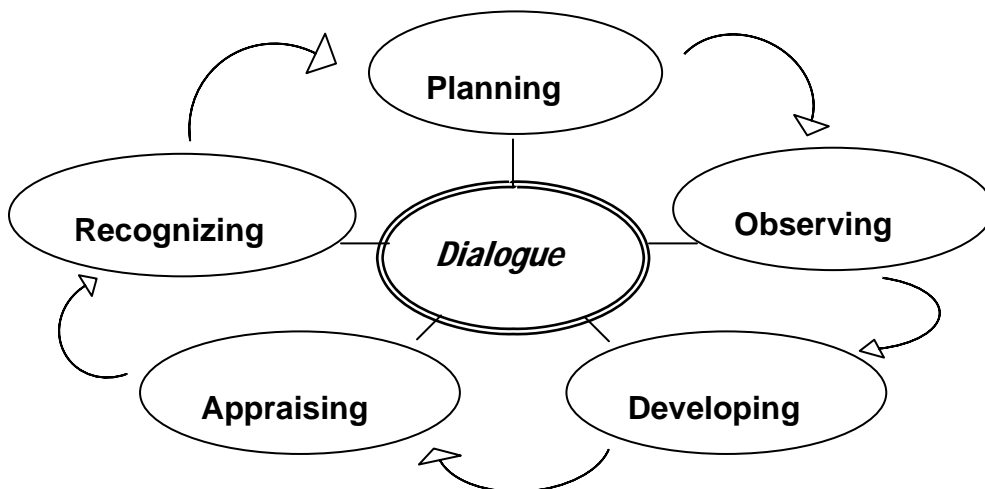
1. Describe the purpose and elements of effective performance documentation.
2. Using the elements of effective performance documentation, write objective and specific descriptions of actual performance, as compared to desired performance.
3. Identify three legal considerations in effective documentation (methods for documenting, privacy and confidentiality issues, and discoverability).

Don't forget to participate by faxing in your questions on the form provided and, as always, we appreciate your evaluation form. Both are found at the end of this packet.

Performance =
+ WHAT people do (their work)
+ HOW they do it (behaviors)
+ WHAT they achieve (results)

TOTAL contribution to the court

The Performance Management Cycle



Vignette 1: Julie meets With Maria, Part 1

Characters: **Maria**, court operations manager

Julie, courtroom clerk supervisor

Christie, courtroom clerk (not seen in this vignette)

Activity 1

After Part 1 of the vignette, list below as many reasons as you can think of that Julie may offer to Maria as to why she doesn't (or didn't) document issues regarding Christie.

Activity 2**Documentation Self-Assessment**

Respond quickly and honestly to each of the items below with a “yes,” or a “no

	Yes	No	
1.	Y	N	I only document when a performance issue or problem arises with an employee.
2.	Y	N	I only document when I recognize that I may need to eventually take action to terminate an employee.
3.	Y	N	I have spoken to or been trained by my manager, another supervisor, or HR about proper documentation techniques.
4.	Y	N	I keep all documentation for each employee from year to year.
5.	Y	N	When addressing an employee's performance issues, I ensure that my documentation is aligned with the expectations and performance standards that have been shared with that employee.
6.	Y	N	I understand the legal requirements for documenting staff performance, including how to document, where and how long to store documentation, and the confidentiality and privacy issues involved.
7.	Y	N	I rely on the documentation that I make throughout the year to write fair and accurate performance appraisals and to create helpful development plans.
8.	Y	N	I understand the difference between an employee's “drop file” and the personnel file.

Writing Effective Documentation

Characteristics of good documentation include:

➤ **Descriptive**

Be descriptive, not interpretive or evaluative.

Remember, “***What does it look like?***” Record the performance or conduct issue as if you were filming it with a video camera. Think: What did you see? What did you *hear*?

➤ **Specific**

Be as specific as possible when you record what you saw or heard. A direct quote of what the employee said is great. Describe the performance issue or behavior in specific terms.

If you have only second-hand information, note that, and also quote the informant's concerns, if possible.

Add your personal favorites to this list of nonspecific words to avoid: *many, several, some, a few, always, sometimes, frequently, rarely, _____, _____* . . .

➤ **Objective**

Avoid subjective words that are pejorative or evaluative in nature.

Add your personal favorites to this list of words to guard against: *unprofessional, good, rude, sloppy, poor, excellent, inattentive, _____, _____* . . .

When you discuss a performance issue with an employee, you should also document the impact or effect of the issue on the court, department, or customers. Be sure to document any follow-up steps or actions that should be taken by the employee or by you.

➤ **Impact or effect**

Document the impact or effect of the exemplary performance or the performance or conduct issue. You may also want to restate the expectation or performance standard.

➤ **Follow-up or actions to be taken**

Indicate the actions that the employee will take to address the performance issues. Also, tell how you will support them. Note the follow-up date.

Vignette 2 **Julie meets with Maria, Part 2**

Maria coaches Julie to improve her documentation of Christie. Follow along with the actual documentation notes below that are referenced in the broadcast.

1. Julie's original documentation note:

Monday, July 12—Spoke to Christie today about the recent decrease in the quality of her work. Lately her minute orders have had many typos and grammatical errors. Told her this reflects poorly on our department and the court and must be addressed.

2. Initial note as rewritten in consultation with Maria:

Monday, July 12—Spoke to Christie today about the review of her work that I performed last week (July 6). I pulled 10 minute orders and discovered typos and grammatical errors in 5 of them.

3. Julie then adds:

Told Christie that her minute orders that I reviewed did not meet expectation of being 100% free of errors and typos. I explained that occasional errors were acceptable but that 50% of her completed orders that I reviewed on July 6 did not meet the standard.

4. Final documentation note:

Monday, July 12—Spoke to Christie today about the review of her work that I performed last week (July 6). I pulled 10 minute orders and discovered typos and grammatical errors in 5 of them. I told Christie that her minute orders that I reviewed did not meet expectation of being 100% free of errors and typos. I explained that occasional errors were acceptable but that 50% of her completed orders that I reviewed on July 6 did not meet the standard. Explained that since minute orders are public documents, frequent errors can undermine the public's trust and confidence in the court and that a 50% error rate does not reflect well on the quality of her work.

Activity 3

How to Document, Part 1

For each of the five documentation examples below, decide whether it meets the criteria for documentation discussed during the broadcast (timely, specific, descriptive, and objective). If it does, check the appropriate box. If it needs improvement, check that box and rewrite the documentation.

Sample: 6/20/06 - Bob constantly misses deadlines. I have spoken to him on numerous occasions about this.

☐ Good example of documentation

☒ Needs improvement

Rewrite: 6/20/06 - Bob's deadline for the weekly cost report is every Monday by 1 pm. It's now 3 pm and I do not have Bob's report which was due yesterday at 1 p.m. The report due on June 12th was 3 hours late and the one due on June 5 was not complete until Wednesday the 7th. I counseled Bob on his need to meet these deadlines on June 7th and 12th.

Your Turn:

1. 5/19/06 Regina's work area is sloppy and unprofessional. Told her to clean it up ASAP.

☐ Good example of documentation

☐ Needs improvement

Rewrite:

2. Monday. Sara was impatient with 3 customers this morning.

☐ Good example of documentation

☐ Needs improvement

Rewrite:

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3. **8/14/06 Roxanne completed all driver license reissuances by 3 p.m. today and then assisted at the counter from 3:20 to 4:30 p.m., outside of her regular counter time.**

☐ Good example of documentation

☐ Needs improvement

Rewrite:

4. **8/12/06 Darnell's file backlog is up to 10 working days.**

☐ Good example of documentation

☐ Needs improvement

Rewrite:

Job Aid Pros and Cons of Documentation Methods

The key to successfully integrating documentation into your supervisory role is to find a method that works for you, and then stick with it until it becomes a consistent, ongoing, and irreplaceable part of your supervisory toolkit.

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Method	Description	Pros	Cons
Drop file	File folder for each employee. The idea is that quickly noted documentation can be “dropped” into the file for later use in doing performance planning or writing annual performance reviews.	<p>Easy to set up, easy to add documentation “on the fly”—just drop it in.</p> <p>Easy to purge on an annual basis.</p> <p>Can color code w/ different colored paper for types of documentation.</p>	<p>Loose notes could become cumbersome and unorganized.</p> <p>Time consuming checking for or sorting for specific performance issues.</p> <p>Remembering to transfer notes made “on the fly”.</p> <p>Must be secured at all times, never left on a desk or other public location.</p>
Date book or Calendar	Spiral-bound date book, day planner, or hard copy calendar.	<p>Don’t have to write the date down.</p> <p>Familiar, “friendly” format may support frequent use.</p> <p>Easy reference for timeframes, frequency of behavior, etc.</p>	<p>May have limited space for writing.</p> <p>Confidentiality issues in sharing written notes with others if one date book or calendar is used for all staff.</p> <p>Must be secured at all times, never left on a desk or other public location.</p>
Electronic	Electronic files or documents for each employee on your computer. Either in files or electronic calendar.	<p>Items can be sorted and searched electronically.</p> <p>Information is easily transferred to appraisal (cut and paste).</p> <p>Easily password protected.</p>	<p>Requires computer skills to set up and maintain.</p> <p>May duplicate effort - hand written notes need to be entered electronically.</p> <p>Must be secured and not left on screen when interrupted.</p>
Notebook	3-ring or spiral-bound notebook with a section for each employee.	Easily adaptable to your needs. Items can be added and removed as necessary. E.g. exhibits	Must be secured at all times, never left on a desk or other public location.

Activity 4

How to Document, Part 2

Below are three of the documentation examples from Activity 3. Individually or in small groups, identify the impact of the performance gap on the department or the court, and the actions, if any that the employee needs to take to correct the performance and/or that the supervisor will take in supporting the employee to improve performance.

- 1. 5/19/06 Regina's work area is sloppy and unprofessional. Told her to clean it up ASAP.** This was the rewrite suggested in Activity 3:

5/19/06 9:00 a.m. observed stacks on documents on Regina's desk including documents which needed to be refiled per our earlier conversation on 5/15/06. Additionally, I observed empty food containers from Burger King, and papers scattered on the floor around the wastebasket. I directed Regina to stop what she was doing and immediately complete the filing that was on her desk, clear the floor in her work area of paper, and throw out her food containers.

Document impact and actions to be taken by employee and/or supervisor:

- 2. Monday. Sara was impatient with 3 customers this morning.** In Activity 3, the we suggested that the rewritten note should read like this:

Monday, 7/16/06. Overheard Sara with two customers directing them in a loud voice to go and consult at the Self-Help Center for answers to their questions. To one of the customers I heard her say, "I already told you what you need to do. The Self-Help Center is just down the street; do you need me to draw you a map?" When helping a third customer I observed her shake her head and throw up her hands in a sign of frustration. The customer left the counter without the forms she had requested.

Document impact and actions to be taken by employee and/or supervisor:

- 3. 8/14/06 Roxanne completed all driver license reissuances by 3 p.m. today and then assisted at the counter from 3:20 to 4:30 p.m., outside of her regular counter time.**

No rewrite was necessary during exercise 3. But an impact or next step could be documented.

Document impact and actions to be taken by employee and/or supervisor:

Vignette 3 Julie meets with Christie

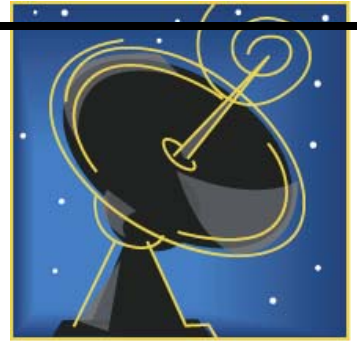
- 12

Legal Considerations

- **Sharing of documentation:** Documentation should be considered private and shared with others such as your manager or HR only on a “need to know” basis. Documentation is not shared with leads.
- **Review by employee:** Under Labor Code section 1198.5, employees are permitted to inspect personnel records relating to the employee's performance or to any grievance concerning the employee. This would include when those records have been used to determine an employee's qualifications for promotion, additional compensation, or disciplinary action, including termination. It is possible your supervisor's files may fit this description. Always check with your manager or HR if you are asked to provide your files to an employee or their agent.
- **Discipline:** Documentation of conduct issues and possible resulting discipline will need to be consistent with your local policies, MOU's, and practice. Please check with your court about this.
- **Retention:** Generally speaking, documentation is held for the review period and where appropriate transferred to the appraisal. If there is an active or reasonably anticipated grievance or litigation, or if an adverse employment action is eminent, documentation should be held and not destroyed without prior discussion with HR and possibly an attorney. Please check with your court to be sure your practices are consistent with the court's practices.
- **Additional notes:**

Broadcast Fax Form

Fax it to 415-557-1137 or 415-557-1138.



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Tuesday, August 15, 2006 9:00–10:30 a.m. 3:00–4:30 p.m.

Questions:

Questions not answered during the broadcast will be posted to the COMET Web site (www.courtinfo.ca.gov/comet), along with our panelists' responses.

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Evaluation Form

1. Rate the following (check your responses):

- | | | | |
|---------------------------|------------------------------------|--------------------------------------|--------------------------------------|
| Pace of broadcast | <input type="checkbox"/> Too Fast | <input type="checkbox"/> About Right | <input type="checkbox"/> Too Slow |
| Amount of information | <input type="checkbox"/> Too Much | <input type="checkbox"/> About Right | <input type="checkbox"/> Too Little |
| Length of broadcast | <input type="checkbox"/> Too Long | <input type="checkbox"/> About Right | <input type="checkbox"/> Too Short |
| Presentation style/format | <input type="checkbox"/> Effective | <input type="checkbox"/> No Opinion | <input type="checkbox"/> Ineffective |

Elaborate below on any rating made in the third column:

2. My overall rating of this broadcast:

- ☐ Excellent ☐ Very good ☐ Good ☐ Fair

3. The handouts were:

- ☐ Very Useful ☐ Useful ☐ Not Useful

4. Were your expectations for this broadcast met?

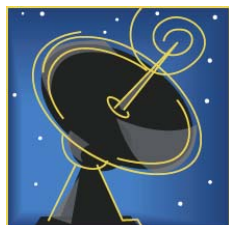
- ☐ Yes ☐ No ☐ Not Sure

5. How will you use the information from this training in your role as a supervisor?

6. Additional comments or ideas you have about **3rd Tuesday**:

Court: _____ Downlink Site Location: _____
(City)

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Please FAX completed form to Vernell McGee at 415-865-4335.
If necessary, please use additional pages for your responses.